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*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

## THE NEVADA DIVISION OF STATE LANDS,

Case No. 3:24-cv-00190-LRH-CLB

Petitioner,

## **JOINT STATUS REPORT**

vs.

CINDY MARLIN; DANA MARLIN;  
MARLIN LIVING TRUST; DOES 1 to 100  
and ROE CORPORATIONS 1 to 100,  
inclusive.

## Respondents.

Pursuant to the Court’s April 4, 2024, Order, Plaintiff Nevada Division of State Lands (the “Division”) and Defendants Cindy Marlin, Dana Marlin, and the Marlin Living Trust (collectively, “Defendants”) submit this Joint Status Report.

## I. Nature of the Case

This is a civil action arising from Defendants' alleged unauthorized limbing of trees on property owned by the State of Nevada. The Division asserts claims against Defendants for trespass, trespass to chattels, nuisance, unjust enrichment, and negligence.

## II. Current Status of the Case

A. The Division filed its Complaint in the Ninth Judicial District Court of the State of Nevada in and for the County of Douglas on March 29, 2024.

1       B. Defendants removed the action to this Court on April 27, 2024, asserting  
2 diversity jurisdiction under 28 U.S.C. § 1332.

3       C. Defendants filed a Motion to Dismiss on May 7, 2024. The Division's response  
4 is currently due on May 30, 2024.

5       D. On May 17, 2024, the Division filed a Motion to Remand, arguing that this  
6 Court lacks subject matter jurisdiction because (1) the Division is not a "citizen" for  
7 diversity purposes; and (2) the Division is an arm of the State of Nevada entitled to  
8 sovereign immunity under the Eleventh Amendment. The Motion to Remand is currently  
9 pending, with the Defendants' opposition thereto not yet due.

10     E. On May 28, 2024, parties met and have stipulated to an additional  
11 ten-day extension for the response to the Motion to Dismiss. This motion will be filed on  
12 May 29, 2024. The updated due date for the response to the Motion to Dismiss will be  
13 June 10, 2024.

14 **III. Discovery**

15     The parties have not yet engaged in discovery due to the pending Motion to Dismiss  
16 and Motion to Remand. The parties propose that discovery be stayed until the Motion to  
17 Dismiss and the Motion to Remand have been resolved.

18 **IV. Settlement Discussions**

19     The parties have begun preliminary settlement discussions and are actively  
20 exploring the possibility of resolving this matter without further litigation.

21 **V. Other Matters**

22     The parties are not aware of any other matters that require the Court's attention at  
23 this time.

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## **VI. Proposed Schedule**

If the case remains in federal court and does not settle within that time, the parties will submit a proposed discovery plan and scheduling order within 14 days of the expiration of the stay.

DATED this 29th day of May, 2024.

AARON D. FORD  
Attorney General

By: /s/ Nathan C. Holland  
NATHAN C. HOLLAND (Bar No. 15247)  
Deputy Attorney General  
JORDAN K. LAUB (Bar No. 15767)  
Deputy Attorney General

## **CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this 29th day of May, 2024, I served a true and correct copy of the foregoing JOINT STATUS REPORT, by electronic service to the participants in this case who are registered with the U.S. District Court's CM/ECF electronic service to this matter:

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/s/ Dorene A. Wright  
An employee of the  
Office of the Nevada Attorney General